

## **Board of Zoning Appeals Staff Report**

### **Applicant**

Joseph L. Stanford  
1225 E Broadway  
Newton, KS

Gerry J. Stanford  
1104 E 80<sup>th</sup>  
Peabody, KS

Corey M. Stanford  
1128 E 80<sup>th</sup>  
Peabody, KS

### **Application**

Application number ZP05.092 Applicant has requested an acreage variance from ten (10) acres to three (3) acres in an "RR" Rural Residential Zone District.

### **Project Description**

Mr. Stanford owns approximately thirteen (13) acres in the Southwest quarter of Section 26, Township 21 South, Range 2 East. This property is located one mile north and four miles west of the City of Peabody. Applicant intends to transfer ten (10) acres to adjacent family member whom presently owns approximately five (5) acres also in an "RR" Rural Residential Zone District.

### **Planning Issues**

The Public Hearing Notice and Adjacent Property Owner Notification has been completed in accordance with the Marion County Zoning Regulations and Kansas State Statutes. No public comments have been received as of January 13, 2006.

The Marion County Zoning Regulations provide that the following conditions must be met in order to grant a variance:

- 1) The variance requested arises from such condition, which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by and action or actions of the property owner(s) or the applicant.
- 2) The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
- 3) The strict application of the provisions of the Marion County Zoning Regulations of which a variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
- 4) The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.
- 5) That granting the variance will not be opposed to the general spirit and intent of the Marion County Zoning Regulations. The purpose of the variance is to provide relief where normal adherence to the regulations is not possible.

**Staff Recommendation**

Approve an acreage variance of no more than seven (7) acres with condition that remaining "RR" Rural Residential Zone District acreage must be adjoined to adjacent like zone district acreage and may not be subdivided for the purpose of a third and separate residential site. Recommend all required separation distances be observed. (REASON: The existing quarter of a quarter section contains two compliant parcels zoned as a "RR" Rural Residential Zone District; one parcel is less than ten acres and one is greater than ten acres. An approval will not change the existing condition, but will exchange which parcel is less than ten acres.